

POLICY TITLE	GUIDELINES FOR THE RESOLUTION OF GROUND WATER QUALITY INTERFERENCE PROBLEMS	NO.
		15-10-01
<u>Legislative Authority</u>		
the Ontario Water Resources Act the Environmental Protection Act		
<u>Statement of Principles</u>		
These guidelines are intended to facilitate implementation of the ground water quality management policies spelled out in the publication "Water Management". Reference should be made to that document, and to the report "The Resolution of Ground Water Quality Interference Problems" for additional details of these guidelines.		
<u>Definitions</u>		
<u>Environment</u>		For the purposes of the ground water quality management policy, the environment includes:
		<ul style="list-style-type: none">- the subsurface;- water within the subsurface; and- the path traversed during the movement of contaminants:<ul style="list-style-type: none">. from the surface to the subsurface;
November 12, 1986		
<u>Point of Contact</u>	Director, Water Resources Branch	
<u>Effective Date</u>	October 29, 1986	

from the subsurface to the surface;
and
within the subsurface.

Ground Water Quality
Interference

The deterioration of the quality of ground water resulting from the release of contaminants.

1. MOE Jurisdiction

The Ministry has jurisdiction over the investigation, clean-up and restoration of the environment and/or water supplies.

2. Who Can Take Action

The action necessary to resolve these cases can be taken by the polluter, the affected party, the Ministry, the municipality or others.

3. Mechanism for Action

There are a number of mechanisms available to ensure that the appropriate action is taken. These include the use of Ministerial Orders, outside consultants, voluntary support from either the polluter or the affected party, or by the Ministry, the municipality or others doing the work required.

4. Responsibility

4.1 Responsibility of
MOE

The Ministry will in all cases and at all times ensure that action is taken to resolve ground water quality interference and this responsibility will not be abdicated when delegated to or assumed by any other party. The Ministry may order, request or hire someone to carry out the required work to its satisfaction.

The required resolution of each case with respect to clean-up and restoration will be determined and specified by the Ministry and will depend upon site-specific conditions.

Implementation procedures and guidelines are presented in detail in Appendix I of the report "The Resolution of Ground Water Quality Interference Problems".

4.2 Responsibility of Owner

It is the responsibility of the owner of the contaminant or the person having control of the contaminant to pay for all costs associated with the contaminant discharge including the investigation, the clean-up of the environment, and the restoration of affected water supplies and to do all that is practicable to minimize damage caused by the contaminant discharge and to facilitate clean-up.

Where it will not substantially impede the resolution of a problem the polluter will be given the opportunity to act in any or all aspects of the clean-up, investigation or restoration. However, when MOE is not satisfied with the progress being made by the polluter, the Ministry will proceed to resolve or alleviate the problem using whatever means are available and appropriate.

Where the pollution is a "spill" under Part IX of the Environmental Protection Act, the polluter has a clear duty to clean up, and specific tools are available to the Ministry (see Sections 81, 82, 85 and 88).

5. Action Plan

In no case will substantial Ministry funds be expended or costly corrective action ordered until an action plan has been prepared. The plan should take the following into consideration:

- the anticipated scope, timing and methodology of
 - . investigation;
 - . clean-up; and
 - . restoration;
- the anticipated legal and administrative action for closing out the problem and collecting funds, should this be necessary.

6. Funding and Costs

Prior to any extensive investigations, the costs of the proposed resolution - including investigation, clean-up and restoration - shall be weighed against the benefits of doing the work (See Appendix II of the report "The Resolution of Ground Water Quality Interference Problems").

Where it is anticipated that costs to the Ministry for the investigation, clean-up and restoration will be significant, the Regional Director will have to seek funds from the appropriate source.

7. Clean- Up

The Ministry of the Environment will decide on a case-by-case basis what, if any, level of clean up it will require or undertake. (See Appendix II of the report "The Resolution of Ground Water Quality Interference Problems").

8. Restoration

The permanent restoration of water supplies which have been significantly affected and the provision of temporary supplies will be required or undertaken in cases where the problem is caused by a third party (not the complainant), whether or not the specific origin of the contamination can be identified.

No restoration will be undertaken where the problem is:

- self-induced;
- of a natural cause; or
- insignificant.